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Phone: 703-836-6400	Date: 11/18/02
Re: U.S. Patent Application No. 09/601702	CC:

☒ **Urgent** ☐ **For Review** ☐ **Please Comment** ☐ **Please Reply** ☐ **Please Recycle**

● **Comments:**

Mr. Paul Tsou:

I've have attached the restriction requirement based on my review of the cited application above, our discussion on 10/3/02, and your proposed claim groupings submitted in Paper No. 16, dated 10/10/02. Please review the restriction requirement and call me back so that we may discuss this application, as well as pending divisional application, U.S. Patent No. 10/123132. I can be reached at 703-305-4007.


Amel C. Lavarias

DETAILED ACTION

Election/Restrictions

1. After careful consideration and discussion with Applicant's representative, Paul Tsou, the previous restriction requirement in Paper No. 8, dated 2/22/02, has been respectfully withdrawn. Claims 3-5, 9-15, and 18-50, which were previously withdrawn from consideration in Paper No. 10, dated 5/10/02, as a result of the previous restriction requirement, have been rejoined.

2. As per the interview with Applicant's representative (See Paper No. 12, dated 10/3/02), a new restriction requirement is set forth below, taking into consideration the proposed claim groupings as submitted by Applicant in Paper No. 16, dated 10/10/02.

3. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group I, Claim(s) 1-11, 28-45, 51-60, drawn to an optical information recording and reproducing apparatus and method comprising a pick-up device and detection means.

Group II, Claims(s) 12-27, drawn to an optical information recording and reproducing apparatus and method comprising wavelength selective means.

Group III, Claim(s) 46-50, drawn to an optical information recording medium.

4. The inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Group I has multiple

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special technical features directed toward, for example, a pick-up device and detecting means that are not required for the other groups. Group II has special technical features directed toward wavelength selective means that is not required for the other groups. Group III has special technical features directed toward a holographic recording medium with multiple information layers that is not required for the other groups.

5. This application contains claims directed to more than one species of the generic inventions of Group I and II. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

One of the following must be selected if Group I is elected:

Species I- an optical information recording and reproducing apparatus and method comprising a positioning region for recording information for positioning the information light and reference light for recording.

Species II- an optical information recording and reproducing apparatus and method comprising a positioning region for recording information for positioning the reference light for reproduction.

Species III- an optical information recording and reproducing apparatus and method comprising the optical axis of the information light and the optical axis of the reference light for recording being located on the same line.

Species IV- an optical information recording and reproducing apparatus and method comprising the optical axis of the reference light for reproduction and the optical axis of the reproduction light being located on the same line.

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Species V- an optical information recording and reproducing apparatus and method comprising the information light generation means generating the information light in a plurality of wavelength bands.

Species VI- an optical information recording and reproducing apparatus and method comprising the reproduction reference light generation means generating the reference light for reproduction in a plurality of wavelength bands.

Species VII- an optical information recording and reproducing apparatus and method comprising controlling the information light generation means and the recording reference light generation means to record information with redundancy in the optical information recording medium.

Species VIII- an optical information recording and reproducing apparatus and method comprising a first and a second light quantity monitoring means.

One of the following must be selected if Group II is elected:

Species I- an optical information recording and reproducing apparatus and method comprising a positioning region for recording information for positioning the information light and reference light for recording.

Species II- an optical information recording and reproducing apparatus and method comprising a positioning region for recording information for positioning the reference light for reproduction.

Species III- an optical information recording and reproducing apparatus and method comprising the optical axis of the information light and the optical axis of the reference light for recording being located on the same line.

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Species IV- an optical information recording and reproducing apparatus and method comprising the optical axis of the reference light for reproduction and the optical axis of the reproduction light being located on the same line.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

6. The claims are deemed to correspond to the species listed above in the following manner:

For Group I:

Species I- Claims 2, 36, 52.

Species II- Claims 8, 42, 58.

Species III- Claims 3, 29.

Species IV- Claims 9, 39.

Species V- Claims 4, 30.

Species VI- Claims 10, 40.

Species VII- Claims 5, 33-34, 36, 42.

Species VIII- Claim 31.

For Group II:

Species I- Claims 13, 21.

Species II- Claims 17, 25.

Species III- Claims 14, 22.

Species IV- Claims 18, 26.

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The following claim(s) are generic to Group I: Claims 1, 6-7, 11, 28, 32, 35, 37-38, 41, 43-45, 51, 53-57, 59-60.

The following claim(s) are generic to Group II- Claims 12, 15-16, 19-20, 23-24, 27.

7. The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: For both Groups I and II, each of the listed species has special technical features not required for the other species in a particular group.